



TENDER NO: 24/2023

**GENERAL CONDITIONS, SPECIFICATIONS & TENDER DOCUMENT
FOR
CONSTRUCTION OF ROADS AND STORMWATER IN HEIDELBERG AND SURROUNDING AREAS
FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF APPOINTMENT**

EMPLOYER:
Lesedi Local Municipality
P O Box 201
Heidelberg
1438

1 H.F Verwoerd Street
Heidelberg
Gauteng
1438

QUERIES:
May be communicated in writing to:

Supply Chain Management
Sibulelo Mokoena
Tel No: 016 492 0202
E-mail: sibulelom@lesedi.gov.za

Tender Closing Date: 25 October 2023 at 12h00

TENDER PRICE	
TOTAL COST (INCL. VAT)	
AMOUNT IN WORDS	
	

Bidder's Details:

Name of Tenderer	
Postal Address	
Contact No.	
Fax No.	
E-mail Address	
Contact Person	



EXPANDED PUBLIC WORKS PROGRAMME

CONTENTS

Initial:

DOCUMENT CHECKLIST

This document checklist is provided to assist the Tenderer.

	ITEMS	CHECKED
1	Returnable Schedules in Section T2.2	☐
2	Correct Tender Offer carried forward to Form of Offer and Acceptance and the Form of Offer duly completed and signed.....	☐
3	Schedule of Quantities:	
	i) Completed in legible INK only.....	☐
	ii) Corrections crossed out and initialled	☐
4	Contract specific data provided by the Contractor	☐

T1: TENDERING PROCEDURES

TABLE OF CONTENTS

T1.1	TENDER NOTICE AND INVITATION TO TENDER.....	7
T1.2	TENDER DATA.....	9

SCM APPENDIX 1

**(Supplier to complete & return.
Failure to complete, offer will be invalid)
INVITATION TO TENDER**

YOU ARE HEREBY INVITED TO TENDER FOR REQUIREMENTS OF THE LESEDI LOCAL MUNICIPALITY					
CONTRACT NUMBER:	24/2023	CLOSING DATE:	25 OCTOBER 2023	CLOSING TIME:	12H00
DESCRIPTION	CONSTRUCTION OF ROADS AND STORMWATER IN HEIDELBERG AND SURROUNDING AREAS FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF APPOINTMENT				
CONTRACT RESPONSE DOCUMENTS MAY BE DEPOSITED IN THE BID BOX SITUATED AT (STREET ADDRESS)					
Supply Chain Management Department			Under no circumstances must suppliers submit their tender offers/ responses to the official whose name appear on the enquiries.		
Municipal Building					
H F Verwoerd and Du Preez Street					
Heidelberg					
BIDDING PROCEDURE ENQUIRIES MAY BE DIRECTED TO			TECHNICAL ENQUIRIES MAY BE DIRECTED TO:		
CONTACT PERSON	Sibulelo Mokoena		CONTACT PERSON	Mr. M Sekhoto	
TELEPHONE NUMBER	(016) 492 0202		TELEPHONE NUMBER	(016) 492 0211	
FACSIMILE NUMBER	(016) 492 0202		FACSIMILE NUMBER	(016) 492 0211	
E-MAIL ADDRESS	sibulelom@lesedi.gov.za		E-MAIL ADDRESS	motlalepules@lesedi.gov.za	
SUPPLIER INFORMATION					
NAME OF BIDDER					
POSTAL ADDRESS					
STREET ADDRESS					
TELEPHONE NUMBER	CODE		NUMBER		
CELLPHONE NUMBER					
FACSIMILE NUMBER	CODE		NUMBER		
E-MAIL ADDRESS					
VAT REGISTRATION NUMBER					
SUPPLIER COMPLIANCE STATUS	TAX COMPLIANCE SYSTEM PIN:		OR	CENTRAL SUPPLIER DATABASE No:	MAAA
B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE	TICK APPLICABLE BOX] ☐ Yes ☐ No		B-BBEE STATUS LEVEL SWORN AFFIDAVIT		[TICK APPLICABLE BOX] ☐ Yes ☐ No
[A B-BBEE STATUS LEVEL VERIFICATION CERTIFICATE/ SWORN AFFIDAVIT (FOR EMES & QSEs) MUST BE SUBMITTED IN ORDER TO QUALIFY FOR PREFERENCE POINTS FOR B-BBEE]					

Tender No.: 24/2023:
Construction of Roads and Stormwater in Heidelberg and surrounding areas
for a Period of Three (3) Years from the Date of Appointment

ARE YOU THE ACCREDITED REPRESENTATIVE IN SOUTH AFRICA FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES ENCLOSE PROOF]	ARE YOU A FOREIGN BASED SUPPLIER FOR THE GOODS /SERVICES /WORKS OFFERED?	☐ Yes ☐ No [IF YES, ANSWER PART B:3]
---	---	--	--

QUESTIONNAIRE TO BIDDING FOREIGN SUPPLIERS

- | | |
|---|--|
| IS THE ENTITY A RESIDENT OF THE REPUBLIC OF SOUTH AFRICA (RSA)? | ☐ YES ☐ NO |
| DOES THE ENTITY HAVE A BRANCH IN THE RSA? | ☐ YES ☐ NO |
| DOES THE ENTITY HAVE A PERMANENT ESTABLISHMENT IN THE RSA? | ☐ YES ☐ NO |
| DOES THE ENTITY HAVE ANY SOURCE OF INCOME IN THE RSA? | ☐ YES ☐ NO |
| IS THE ENTITY LIABLE IN THE RSA FOR ANY FORM OF TAXATION? | ☐ YES ☐ NO |

IF THE ANSWER IS “NO” TO ALL OF THE ABOVE, THEN IT IS NOT A REQUIREMENT TO REGISTER FOR A TAX COMPLIANCE STATUS SYSTEM PIN CODE FROM THE SOUTH AFRICAN REVENUE SERVICE (SARS) AND IF NOT REGISTER AS PER 2.3 BELOW.

SCM APPENDIX 2
(Supplier to complete & return.
Failure to complete, offer will be invalid)
TERMS AND CONDITIONS FOR TENDER

1. BID SUBMISSION:

- 1.1. BIDS MUST BE DELIVERED BY THE STIPULATED TIME TO THE CORRECT ADDRESS. LATE BIDS WILL NOT BE ACCEPTED FOR CONSIDERATION.
- 1.2. **ALL BIDS MUST BE SUBMITTED ON THE OFFICIAL FORMS PROVIDED– (NOT TO BE RE-TYPED) OR IN THE MANNER PRESCRIBED IN THE BID DOCUMENT.**
- 1.3. THIS BID IS SUBJECT TO THE PREFERENTIAL PROCUREMENT POLICY FRAMEWORK ACT, 2000 AND THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022, THE GENERAL CONDITIONS OF CONTRACT (GCC) AND, IF APPLICABLE, ANY OTHER SPECIAL CONDITIONS OF CONTRACT.
- 1.4. THE DOCUMENTS MUST BE FILLED WITH ELIGIBLE INK.
- 1.5. USE OF CORRECTIVE FLUID IN THE DOCUMENT IS PROHIBITED. FAILING TO COMPLY WITH THE ABOVE REQUIREMENTS WILL RESULT IN THE BID BEING NON RESPONSIVE.

2. TAX COMPLIANCE REQUIREMENTS

- 2.1 BIDDERS MUST ENSURE COMPLIANCE WITH THEIR TAX OBLIGATIONS.
- 2.2 BIDDERS ARE REQUIRED TO SUBMIT THEIR UNIQUE PERSONAL IDENTIFICATION NUMBER (PIN) ISSUED BY SARS TO ENABLE THE ORGAN OF STATE TO VERIFY THE TAXPAYER'S PROFILE AND TAX STATUS.
- 2.3 APPLICATION FOR TAX COMPLIANCE STATUS (TCS) PIN MAY BE MADE VIA E-FILING THROUGH THE SARS WEBSITE WWW.SARS.GOV.ZA.
- 2.4 BIDDERS ARE REQUIRED TO SUBMIT A PRINTED TCS CERTIFICATE TOGETHER WITH THE BID.
- 2.5 IN BIDS WHERE CONSORTIA / JOINT VENTURES / SUB-CONTRACTORS ARE INVOLVED, EACH PARTY MUST SUBMIT A SEPARATE TCS CERTIFICATE / PIN / CSD NUMBER.
- 2.6 BIDDERS REGISTERED ON THE CENTRAL SUPPLIER DATABASE (CSD) ARE REQUIRED TO SUBMIT A CSD NUMBER AND CSD REPORT
- 2.7 NO BIDS WILL BE CONSIDERED FROM PERSONS IN THE SERVICE OF THE STATE, COMPANIES WITH DIRECTORS WHO ARE PERSONS IN THE SERVICE OF THE STATE, OR CLOSE CORPORATIONS WITH MEMBERS PERSONS IN THE SERVICE OF THE STATE."

NB: FAILURE TO PROVIDE / OR COMPLY WITH ANY OF THE ABOVE PARTICULARS MAY RENDER THE BID INVALID.

SIGNATURE OF BIDDER:

CAPACITY UNDER WHICH THIS BID IS SIGNED:

.....
(Proof of authority must be submitted e.g. company resolution)

DATE:



CONTRACT NO. 24/2023

FOR

**CONSTRUCTION OF ROADS AND STORMWATER IN HEIDELBERG AND SURROUNDING AREAS
FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF APPOINTMENT**

Bidders must be registered with the Construction Industry Development Board (CIDB) in a contractor grading designation determined in accordance with the sum tendered for a 7 CE class of construction work.

Bidders must note that certain works under this bid may only be constructed using labour-based construction methods and must limit the utilization of their permanently employed personnel to Key Personnel and all other personnel and labourers must be recruited locally.

Technical Enquiries: Mr. Motlalepule Sekhoto
Tender Documents: Mrs. Sibulelo Mokoena

Tel: (016) 492 0211
Tel: (016) 492 0202

Closing date: 25 October 2023 at 12h00

Tender documents, together with the terms of reference, which are important for the preparation of the proposal/tender can be downloaded for free on the E-Tender portal (www.etenders.gov.za) or the Lesedi Local Municipality's website (<https://lesedi-lm.gauteng.gov.za>) as from 27 September 2023.

The completed tender document must be submitted in a sealed envelope marked "TENDER NO: **24/2023: CONSTRUCTION OF ROADS AND STORMWATER IN HEIDELBERG AND SURROUNDING AREAS FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF APPOINTMENT**".

Bids must be placed in the Tender Box situated at the Supply Chain Management Department, Municipal Building, c/o H F Verwoerd and Du Preez Street, Heidelberg, during office hours Monday – Friday, 07:30 – 16:00. The tender closes on the 25 October 2023 at 12:00. No late, or e-mailed or faxed bids will be considered. All objections and complaints must be lodged within 14 days and in writing to the municipal manager's office.

Bidder's attention is specifically drawn to the provisions of the rules which are included in the bid documents. The Lesedi Local Municipality (LLM) reserves the right not to award to the lowest priced proposal, it normally awards the contract to the tenderer who proves to be fully capable of handling the contract and whose proposal is technically acceptable, has meaningful empowerment credentials and/or is financially advantageous to the LLM. Bids completed in pencil will be regarded as invalid bids.

Only bidders who score 70 points or more for functionality will be further evaluated on both Price and Specific goals points.

The 80/20 preference procurement point system will apply and preference will be given to bidders who are able to demonstrate the following:

- | | |
|-------------------|-----------|
| a) Price | 80 points |
| b) Specific Goals | 20 points |

It is compulsory that the taxes of the successful bidder must be in order or that satisfactory arrangements have been made with South African Revenue Service (SARS) to meet the bidder's tax obligations. Additionally, no contract shall be concluded with any bidder, whose municipal rates and taxes and service charges are in arrears for more than three months. All bidders must ensure that they

Tender No.: 24/2023:
Construction of Roads and Stormwater in Heidelberg and surrounding areas
for a Period of Three (3) Years from the Date of Appointment

are registered on the National Treasury Central Supplier Database via the following link: business.support@csd.gov.za. No business will be conducted with any person who is not registered on this database.

1.2 TENDER DATA

The Tender Data shall be read with the Standard Conditions of Tender in order to expand on the Tenderer's obligations and the Employer's undertakings in administering the tender process in respect of the project under consideration.

The Tender Data hereafter shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender.

Each item of Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender. The Conditions of Tender are the Standard Conditions of Tender as contained in Annex F of the CIDB Standard for Uniformity in Construction Procurement, as printed in Board Notice 136 of 2015 in the Government Gazette No. 38960 of 2015 dated 10 July 2015.

The Standard Conditions of Tender make several references to the Tender Data which specifically applies to this tender. The Tender Data shall have precedence in the interpretation of any ambiguity or inconsistency between it and the Standard Conditions of Tender. Each item of Tender Data given below is cross-referenced to the relevant clause in the Standard Conditions of Tender.

Tender Data Applicable to this Tender

Clause Number	Data / Wording
F.1.2	The Tender Documents consist of the following: (a) This Project Document, which contains the following: PART T1: TENDERING PROCEDURES T1.1 Tender Notice and Invitation to Tender T1.2 Tender Data PART T2: RETURNABLE DOCUMENTS T2.1 List of Returnable Documents T2.2 Returnable Schedules PART C1: AGREEMENTS AND CONTRACT DATA C1.1 Form of Offer and Acceptance C1.2 Contract Data C1.3 Performance Guarantee C1.4 Agreement in terms of Section 37(2) of the Occupational Health and Safety Act No. 85 of 1993 C1.5 Retention Money Guarantee C1.6 Transfer of Rights PART C2: PRICING DATA C2.1 Pricing Instructions C2.2 Schedule of Quantities PART C3: SCOPE OF WORKS C3.1 Standard Specifications C3.2 Project Specifications C3.3 Particular Specifications PART C4: SITE INFORMATION C4.1 Locality Plan C4.2 Example of Contract Signboard Details C4.3 Existing Services Report C4.4 Traffic Information C4.5 Any Other Relevant Technical Reports

Clause Number	Data / Wording
	(b) Drawings (issued separately by the Employer). (c) 'General Conditions of Contract for Construction Works, Third Edition, 2015' issued by the South African Institution of Civil Engineering (abbreviated title 'General Conditions of Contract 2015' – 'GCC 2015'). This document is obtainable separately and Tenderers shall obtain their own copy. (d) 'The COLTO Standard Specifications for Road and Bridge Works for State Road Authorities 1998 edition'. This document is obtainable separately and Tenderers shall obtain their own copy. (e) 'The Occupational Health and Safety Act No 85 and Amendment Act No 181 of 1993, and the Construction Regulations 2014 (Government Gazette No 37305 of 7 February 2014, Notice No R. 84)'. These documents are obtainable separately and Tenderers shall obtain their own copies. (f) The Construction Industry Development Board Act No. 38 of 2000 as amended and the Regulations in terms of the CIDB Act 38 of 2000, Government Notice No 692 of 9 June 2004 as amended. In addition Tenderers are advised, in their own interest, to obtain their own copies of the relevant Acts, Regulations and Standards referred to in this document as they are essential for the Tenderer to become acquainted with the basics of construction management, the implementation of preferential construction procurement policies, and participation of targeted enterprises and labour. Labour legislation in South Africa, incorporates the major concepts required for the implementation of labour-intensive work, where the project is governed by the Expanded Public Works Programme. The three pieces of legislature forming the basis of this contract are as follows: i. Basic Conditions of Employment Act, 1997, Ministerial Determination: Special Public Works Programme. ii. Basic Conditions of Employment Act, 1997, Code of Good Practice for Employment and Conditions of Work for Special Public Works Programme. iii. Guidelines for the Implementation of Labour-Intensive Infrastructure Projects under the Expanded Public Works Programme (EPWP).
F.1.4	The Employer's Agent is: Name of the firm: Epitome Consulting Contact person: Mr. Clement Mokoene Telephone: (011) 391 5049 Fax: 086 505 0993 E-mail: clement@epitomeconsulting.co.za
F.2.1	A Tenderer will not be eligible to submit a tender if: (a) the Contractor submitting the tender is under restrictions or has principals who are under restriction to participate in the Employer's procurement due to corrupt or fraudulent practices; (b) the Tenderer does not have the legal capacity to enter into the contract; (c) the Contractor submitting the tender is insolvent, in receivership, bankrupt or being wound up, has his affairs administered by a court or a judicial officer,

Clause Number	Data / Wording
	has suspended his business activities, or is subject to legal proceedings in respect of the foregoing; (d) the Tenderer does not comply with the legal requirements stated in the Employer's procurement policy; (e) the Tenderer cannot demonstrate that he possesses the necessary professional and technical qualifications and competence, financial resources, equipment and other physical facilities, managerial capability, personnel, experience and reputation to perform the contract; (f) the Tenderer cannot provide proof that he is in good standing with respect to duties, taxes, levies and contributions required in terms of legislation applicable to the work in the contract. (g) the Tenderer cannot demonstrate that he will have in his employ during the contract period the necessary personnel satisfying the requirements of the Scope of Work for labour-intensive competencies for management and supervisory personnel. The Established Contractor shall nominate staff for the project who have successfully attended and completed the minimum required NQF level 4 and NQF level 5 Skills Programmes for Foreman / Supervisors and Contract Manager / Site Agent / Construction Manager, respectfully. Contractors shall only engage supervisory and management staff in labour-intensive works that have completed the skills programme, including Foremen / Supervisors at NQF level 4 "National Certificate: Supervision of Civil Engineering Construction Processes" and Contract Manager / Site Agent / Construction Manager at NQF level 5 "Manage Labour-Intensive Construction Processes" or Equivalent QCTO Qualifications. Only those tenderers who can demonstrate that they will have in their employ, management and supervisory staff satisfying the requirements of the scope of work for labour-intensive competencies for supervisory and management staff during the validity of the contract are eligible to submit tenders. The Established Contractor shall be registered in CIDB contractor grading designation 7CE or higher. If you are not registered in the correct CIDB Grading, you will NOT be eligible to tender. In terms of the Lesedi Municipality Supply Chain Management Policy Framework, all suppliers of goods and services are required to register on the Central Supplier Database. Prospective suppliers should self-register on the CSD website www.csd.gov.za. IF THE SUPPLIER IS NOT REGISTERED AT THE CLOSING TIME OF TENDER, THE SUPPLIER WILL BE DISQUALIFIED AT THE TENDER EVALUATION PROCESS.
F.2.7	The arrangements and venue for the compulsory Clarification Meeting are: THERE WILL BE NO BRIEFING SESSION.
F.2.8	Change 'five working days' to 'seven working days'. Working days shall be from Monday to Friday and shall exclude all gazetted public holidays.

Tender No.: 24/2023:
Construction of Roads and Stormwater in Heidelberg and surrounding areas
for a Period of Three (3) Years from the Date of Appointment

Clause Number	Data / Wording
F.2.10	All Tenderers that are registered for Value Added Tax (VAT) with the South African Revenue Services (SARS) must include VAT in their tender offer.
F.2.11	The tenderer shall not take the tender document apart. <u>Any tender submitted using a document that has been taken apart and re-assembled shall be considered non-responsive in terms of subclause F.3.8 of the Conditions of Tender and such a tender shall be rejected.</u>
F.2.12	The requirements are as described in clause 1212 'ALTERNATIVE DESIGNS AND OFFERS' of the 'COLTO Standard Specification for Road and Bridge Works for State Road Authorities 1998 edition'.
F.2.13	F.2.13.3 Tender offers shall be submitted as an original only. Under no circumstances whatsoever may the tender forms be retyped or redrafted. Photocopies of the original tender documentation may be used, but an original signature must appear on such photocopies. F.2.13.5 The Employer's address for delivery of tender offers and identification details to be shown on each tender offer package are: Location of Tender Box: Supply Chain Management Department Physical Address: H F Verwoerd and Du Preez Street Identification Details: Contract No. 24/2023 F.2.13.6 A one envelope system will <u>be followed</u>.
F.2.15	The closing time for submission of Tender Offers is: 12h00 on Wednesday, 25 October 2023 Telegraphic, telephonic, telex, facsimile, electronic, e-mailed and late tenders will not be accepted.
F.2.16	The tender offer validity period is 90 days from the closing time for submission of tenders.
F.2.18	The tenderer must submit to the Employer the names of all management and supervisory staff that will be employed to supervise the labour-intensive portion of the works together with satisfactory evidence that such staff members satisfy the eligibility requirement (refer to Returnable Schedule H).
F.2.19	Access shall be provided for inspections and testing by personnel acting on behalf of the Employer.
F.2.22	This is not applicable.
F.2.23	The certificates as required in the Returnable Schedules and Forms must be provided with the tender for each party to a consortium / joint venture.
F.3.1	Change 'five working days' to 'seven working days'. Working days shall be from Monday to Friday and shall exclude all gazetted public holidays.
F.3.2	Change 'three days' to 'three working days'. Working days shall be from Monday to

Tender No.: 24/2023:
Construction of Roads and Stormwater in Heidelberg and surrounding areas
for a Period of Three (3) Years from the Date of Appointment

Clause Number	Data / Wording
	Friday and shall exclude all gazetted public holidays.
F.3.5	A one envelope system will be followed .

F.3.11	<u>Evaluation of Tender Offers</u>	
	Functionality Criteria	Weighting
	Key Personnel: (Maximum 30 points) Qualifications Projects Implementation Experience Construction Experience Detailed CV's with contactable references, proof of qualifications (Certified copies not older than 6 months) of all personnel to be attached. Failure to attach the above mentioned will result in tenderer being scored zero.	Contract Manager: BSc/BTech in Civil Engineering Years of experience - calculated post qualification: 10 years and above = 10 points 5-9 years = 8 points 1-4 years = 4 points 0 year = 0 points Construction Manager/Site Agent: NDip in Civil Engineering Years of experience - calculated post qualification: 10 years and above = 8 points 5-9 years = 6 points 1-4 years = 2 points 0 year = 0 points General Foreman Relevant Experience as a Foreman Years of experience - calculated post qualification: 10 years and above = 6 points 5-9 years = 4 points 1-4 years = 2 points 0 year = 0 points Safety Officer: National Diploma in Safety Management or Environmental health or Equivalent. Years of experience: 10 years and above = 6 points 5-9 years = 4 points 1-4 years = 2 points 0 year = 0 points
	Company Relevant Experience: (Maximum 30 points) Previous Similar Projects (minimum Project value R 9 000 000.00 or minimum road length of 1km) Appointment letter with matching reference letter and a completion certificate per project as per GCC. The reference letter must be provided with contact details of references on the reference letter signed at relevant level manager/director/MM/HOD)	Appointment with matching reference letter and a completion certificate per project (Road Upgrade/ Construction/Rehabilitation and Reseal projects) 5 Letters and above = 30 points 3-4 Letters = 20 points 1-2 Letters = 10 points 0 Letters = 0 points

F.3.11.2

1. Plant and Equipment (Maximum 25 points)

Plant	Maximum points to score	
	OWNED	HIRED
1 x TLB	5	2.5
1 x Water Tanker	5	2.5
5x 6m ³ capacity tip trucks or 3x10m ³ capacity tipper trucks	5	2.5
1 x Excavator	5	2,5
1 x Grader	5	2.5

Tenderer to attach proof of ownership (registration documents including pictures that clearly shows the plant) or certified letter of intent for all plant from plant hire company including pictures that clearly shows the plant. The letter is to clearly indicate that the Plant intended for the contract will be available for the full duration of the project.

Financial Status (Maximum 15 points)

Bank Rating Status	Maximum points to score
Bank rating of C or above	15
Bank rating of D	10
Bank rating of E	7
Bank rating of F or lower	0

Tenderer to attach bank rating letter from bank

Bids must remain valid for ninety (90) days after the submission date.

NB: Tenderers scoring 70 points and above of the functionality score will qualify for further evaluation.

The procedure for the evaluation of responsive Tender Offers will be Price and Preference.

The weighting of tender Price and Preference for the tender will be done by way of a point system:

In the case of acquisition of services, works or goods with a Rand value up to R50 million:

- 80 points are assigned to Price; and
- 20 points are assigned to Preference.

The total points for Price and Preference must add up to 100 points.

F.3.11.8	Scoring preferences Up to 100 tender evaluation points will be awarded to tenderers who submit responsive tenders and who are found to be eligible for the Preference claimed. Points awarded for Preference will be summarised in the table below: Table F.2: Points for Preference based on Specific Goals <table><tr><th colspan="4">SPECIFIC GOALS (20 POINTS)</th><th></th></tr><tr><th rowspan="2">HDI (% Shareholding) (proof of points claimed required)</th><th>Youth</th><th>Woman</th><th>Disabled</th><th>Black</th></tr><tr><td>3</td><td>5</td><td>2</td><td>5</td></tr><tr><th rowspan="2">Area of Origin (proof of Street address required)</th><td colspan="2">Sedibeng (District)</td><td colspan="2">Gauteng (Province)</td></tr><tr><td colspan="2">3</td><td colspan="2">2</td></tr><tr><th>Price</th><td colspan="3">80</td><td></td></tr><tr><th>TOTAL POINTS</th><td colspan="3">100</td><td></td></tr></table> <u>Total Score for Price and Preference</u> The points scored for a Tenderer in respect of Price must be added to the points scored in respect of Preference. Only the tender with the highest number of points may be selected, except in those instances permissible by legislation, practice notes or relevant policies.	SPECIFIC GOALS (20 POINTS)					HDI (% Shareholding) (proof of points claimed required)	Youth	Woman	Disabled	Black	3	5	2	5	Area of Origin (proof of Street address required)	Sedibeng (District)		Gauteng (Province)		3		2		Price	80				TOTAL POINTS	100			
SPECIFIC GOALS (20 POINTS)																																		
HDI (% Shareholding) (proof of points claimed required)	Youth	Woman	Disabled	Black																														
	3	5	2	5																														
Area of Origin (proof of Street address required)	Sedibeng (District)		Gauteng (Province)																															
	3		2																															
Price	80																																	
TOTAL POINTS	100																																	
F.3.13	F.3.13.1 The legal requirements for acceptance of the tender offer are: (a) Tender Defaulters Register - the Tenderer or any of its principals is <u>not</u> listed on the register of Tender Defaulters in terms of the Prevention and Combating of Corrupt Activities Act of 2004 as a person prohibited from doing business with the public sector. (b) Abuse of the SCM System - the Tenderer has <u>not</u> abused the Employer’s Supply Chain Management System and has <u>not</u> been given a written notice to the effect that he has failed to perform on any previous contract. (c) Declaration - the Tenderer has indicated and declared whether or not a spouse, child or parent of the Tenderer is in the service of the State. (d) Fraud and Corruption - the Employer is satisfied that the Tenderer or any of his principals have <u>not influenced</u> the tender offer and acceptance by the following criteria: (i) having offered, promised or given a bribe or other gift or remuneration to any person in connection with the obtaining of this Contract; (ii) having acted in a fraudulent or corrupt manner in obtaining this Contract;																																	

Tender No.: 24/2023:
Construction of Roads and Stormwater in Heidelberg and surrounding areas
for a Period of Three (3) Years from the Date of Appointment

	(iii) having approached an officer or employee of the Employer or the Employer's Agent with the object of influencing the award of a Contract in the Tenderer's favour; (iv) having entered into any agreement or arrangement, whether legally binding or not, with any other person, firm or company to refrain from Tendering for this Contract or as to the amount of the Tender to be submitted by either party; (v) having disclosed to any other person, firm or company other than the Employer, the exact or approximate amount of his proposed Tender. The Employer may, in addition to using any other legal remedies, repudiate the Tender offer and acceptance and declare the Contract invalid should it have been concluded already.
F.3.17	The number of paper copies of the signed contract to be provided by the Employer is one (1) .

COMPULSORY TENDER REQUIREMENTS (DISQUALIFICATION CRITERIA):

1. Tax Clearance Certificate / Tax Compliance Status documents with Pin. Each company within the Joint Venture / Consortium must submit Tax Clearance Certificate or a copy of Tax Compliance Status document with Pin and VAT certificate if applicable
2. Certified copies of all directors ID.
3. Copy of company registration documents.
4. Copy of latest municipal account which is not more than 3 months old at the time of closing this tender.
5. The bidding entity as well as all its directors must submit a Municipal account which is not more than three (3) months in arrears Or valid lease agreement which is on the name of the entity. If the director is leasing they must also provide a valid lease agreement on their names.
5.1 If the business operates from the different address as per CIPC document, an affidavit that justifies the new address must be provided.
6. Central Supplier Database (CSD) registration full report.
7. Completed and Signed Bill of Quantities.
8. Authority of Signatory must be completed and signed in case of a business not sole proprietor or one-person business or board of director's resolution authorizing signature to sign off the bid documents.
9. MBD 1: Invitation to tender.
10. MBD 4. Declaration of Interest.
11. MDB 5. Declaration of procurement above R10 million (vat included) (If Applicable).
12. Audited annual financial statements for the past three years or since the date of establishment if established during the past three years for bids above R10 million.
13. MBD 6.1 Preferential Points.
14. MBD 8: Declaration of bidder's past supply chain management practices.
15. MBD 9: Certificate of independent bid determination.
16. Tenders must submit the relevant copy of a valid Workmen's Compensation Registration Certificate (or proof of payment of contributions in terms of the Compensation for Occupational Injuries and Diseases Act No. 130 of 1993). A Letter of Good standing (Civil-related) certificate must be submitted.
17. The bidder must be registered in CIDB contractor grading designation of 7CE or higher. The lead partner must be registered in a contractor grading designation not lower than one level below the required grading designation in the class of construction works under consideration.
18. Tenderers must submit letter of intent for surety/guarantee for civil tenders. The guarantees must be in the form of a bank guarantee from a banking institution registered in terms of the Banks Act, 1990 (Act No. 94 of 1990) or from an insurer registered in terms of the Insurance Act, 1943 (Act No. 27 of 1943).

Guarantees will be required as follows:

Category	Project Value	Guarantee
C	➤ R 2 000 0001	10%

19. Bidders must sign ALL indicated sections and initial each page.

BIDDING TENDER CONDITIONS:

1. All suppliers of good & services are urged to register on the National Treasury web based Central Suppliers Database with Effect from 1 July 2016 @ www.csd.gov.za.

As per National Treasury Instruction No.4 A of 2016/2017 National Treasury Supplier Database, organs of state must ensure that suppliers awarded business with the State, excluding instances mentioned in paragraph 3.3, are registered on the CSD prior to award letter/purchase order/signed contract being issued.

2. Tenders by joint ventures are to be accompanied by the Document Formation of the joint venture, duly registered and authenticated by a Notary Public or other official deputized to witness sworn statements. This document must define precisely the conditions under which the joint venture will function, the period for which it will function, the persons authorized to represent and obligate it, the address for correspondence, the participation of several firms forming the joint venture and any information necessary to permit a full appraisal of its functioning, including a clause to the effect that the members of the joint venture are jointly and severally bound.

3. No late tender will be accepted.

4. Telefax or e-mail tenders will not be accepted.

5. Tenders may only be submitted on the bid documents as provided by Lesedi Local Municipality.

6. The use of tippex is not allowed on the bid documents. Bids completed in pencil will be regarded as invalid bids.

7. Bidders must sign or initial each page.

8. No page(s) may be removed from the original tender document

9. Requirements for sealing, addressing, delivery, opening and assessment of tenders are stated in the tender document;

10. In the event of a mistake having been made it shall be crossed out in ink and be accompanied by a full signature of the authorized person at each and every alteration.

11. The Municipality reserves the right to reject the Bid if corrections are not made in accordance with the above.

12. The lowest or any tender will not necessarily be accepted, and Lesedi Local Municipality reserves the right to accept a tender in whole or in part.

13. The validity period for this tender is ninety (90) days.

14. The Municipality reserve the right to negotiate a fair market related price with recommended bidder(s) after a competitive bidding process or price quotations

15. The Municipality reserves the right to appoint and not to appoint.

16. All tender prices must be inclusive of VAT for all registered VAT vendors.

Tender No.: 24/2023:
Construction of Roads and Stormwater in Heidelberg and surrounding areas
for a Period of Three (3) Years from the Date of Appointment

The bid will be evaluated on an 80/20 principle where 80 points will be price and 20 points is Specific goals.

17. Tender documents may be downloaded from e-tender portal at www.etenders.gov.za as well as <https://lesedi-lm.gauteng.gov.za>.

T2: RETURNABLE DOCUMENTS

T2.1 LIST OF RETURNABLE DOCUMENTS

The following schedules and forms are contained in this document and are to be properly completed as required:

- (a) Returnable Schedules in T2.2.
- (b) C1.1 Form of Offer and Acceptance, A. Offer, on page 63.
- (c) Contract Specific Data Provided by the Contractor in C1.2.2 Part B.
- (d) Pricing Data in C2.2: Schedule of Quantities.

T2.2 RETURNABLE SCHEDULES

A	CERTIFICATE OF ATTENDANCE AT CLARIFICATION MEETING (N/A)	24
B	RECORD OF ADDENDA TO TENDER DOCUMENTS	25
C	COMPULSORY ENTERPRISE QUESTIONNAIRE	26
D	CERTIFICATE OF AUTHORITY	42
E	PLANT AND EQUIPMENT	48
F	EXPERIENCE OF TENDERER	49
G	PROPOSED SUBCONTRACTORS.....	50
H	KEY PERSONNEL	51
I	DEVIATIONS AND QUALIFICATIONS	54
J	CONTRACTOR'S HEALTH AND SAFETY DECLARATION	55
K	TAX COMPLIANCE STATUS	57
L	SCHEDULE OF ALTERNATIVE TENDERS.....	59
M	TENDERER'S PARTICIPATION IN JOB CREATION USING LOCAL LABOUR	60

NOTE: The Tenderer is required to complete each and every schedule and form listed above to the best of his ability as the evaluation of tenders and the eventual contract will be based on the information provided by the Tenderer. Failure of a Tenderer to complete the schedules and forms to the satisfaction of the Employer may lead to rejection on the grounds that the tender is not responsive.

A. CERTIFICATE OF ATTENDANCE AT CLARIFICATION MEETING

(NOT APPLICABLE) - IN AN EFFORT TO CURB THE SPREAD OF COVID-19, THERE WILL BE NO BRIEFING SESSION

This is to certify that (*Tenderer*)

of (*address*)

.....

was represented by the person(s) named below at the compulsory clarification meeting held for all Tenderers at the office of

I / We acknowledge that the purpose of the meeting was to acquaint myself / ourselves with the site of the works and / or matters incidental to doing the work specified in the tender documents in order for me / us to take account of everything necessary when compiling our rates and prices included in the tender.

Particulars of person attending the meeting:

Name: Signature:

Capacity:

Attendance of the above person at the meeting is confirmed by the Employer's Agent, namely:

Name: Signature:

Capacity: Date and Time:

Departmental Stamp

Any tender submitted that does not bear the signature of the Employer's Agent on this page shall be considered non-responsive in terms of subclause F.3.8 of the Conditions of Tender and shall be rejected.

B. RECORD OF ADDENDA TO TENDER DOCUMENTS

I / We confirm that the following communications received from the Employer or his representative before the date of submission of this tender offer, amending the tender documents, have been taken into account in this tender offer and are attached hereto.

ADDENDUM No.	DATE

Please attach to this page a complete copy of each Addendum issued.

SIGNATURE:

DATE:

(Of person authorised to sign on behalf of the Tenderer)

Failure to complete, sign and date this form or failure to acknowledge receipt of each Addendum issued or failure to return with the tender submission a complete copy of each Addendum issued shall result in the tender being considered non-responsive in terms of subclause F.3.8 of the Conditions of Tender and such a tender shall be rejected.

C. COMPULSORY ENTERPRISE QUESTIONNAIRE

FORM C: PART 1: PARTICULARS AND RECORD OF SERVICE OF THE STATE

The following particulars must be furnished:

Section 1: Name of enterprise:

Section 2: VAT registration number:

Section 3: CIDB registration number:

Section 4: Particulars of sole proprietors and partners in partnerships

Name*	Identity number*	Personal income tax number*

** Complete only if sole proprietor or partnership, and attach separate page if more than three partners*

Section 5: Particulars of companies and close corporations

Company registration number:

Close corporation number:

Tax reference number:

Section 6: Record of service of the state

Indicate, by marking the relevant boxes with a cross, if any sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently serving or has served within the last 12 months as any of the following:

- | | |
|--|---|
| ☐ a member of Parliament | ☐ an employee of Parliament or a provincial legislature |
| ☐ a member of the National Assembly or the National Council of Provinces | ☐ an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999) |
| ☐ a member of any provincial legislature | ☐ an employee of any municipality or municipal entity |
| ☐ a member of any municipal council | |
| ☐ a member of the board of directors of any municipal entity | |
| ☐ a member of an accounting authority of any national or provincial public entity | |

If any of the above boxes are marked, disclose the following:

Name of sole proprietor, partner, director, manager, principal shareholder or stakeholder**	Name of institution, public office, board or organ of state served and position held**	Status of service (tick appropriate column)**	
		Current	Within last 12 months

**** Attach additional pages if more space is required**

Section 7: Record of spouses, children and parents in the service of the state

Indicate, by marking the relevant boxes with a cross, if any spouse, child or parent of a sole proprietor, partner in a partnership or director, manager, principal shareholder or stakeholder in a company or close corporation is currently serving or has served within the last 12 months as any of the following:

- | | |
|--|---|
| ☐ a member of Parliament
☐ a member of the National Assembly or the National Council of Provinces
☐ a member of any provincial legislature
☐ a member of any municipal council
☐ a member of the board of directors of any municipal entity
☐ a member of an accounting authority of any national or provincial public entity | ☐ an employee of Parliament or a provincial legislature
☐ an employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act 1 of 1999)
☐ an employee of any municipality or municipal entity |
|--|---|

If any of the above boxes are marked, disclose the following:

Name of spouse, child or parent***	Name of institution, public office, board or organ of state served and position held***	Status of service (tick appropriate column)***	
		Current	Within last 12 months

*** Attach additional pages if more space is required

The undersigned, who warrants that he/she is duly authorised to do so on behalf of the enterprise:

- (i) authorizes the Employer to obtain a tax clearance certificate from the South African Revenue Services that my / our tax matters are in order;
- (ii) confirms that neither the name of the enterprise nor the name of any partner, manager, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise, appears on the Register of Tenderer Defaulters established in terms of the Prevention and Combating of Corrupt Activities Act of 2004;
- (iii) confirms that no partner, member, director or other person, who wholly or partly exercises, or may exercise, control over the enterprise, has within the last five years been convicted of fraud or corruption;
- (iv) confirms that I am not / we are not associated, linked or involved with any other Tenders entities submitting tender offers and that I / we have no other relationship with any of the Tenders or those responsible for compiling the scope of work that could cause or be interpreted as a conflict of interest;
- (v) confirms that the information provided above in Sections 1 to 7 of Form C: Part 1 is within my personal knowledge and is to the best of my belief both true and correct.

Signed: _____

Date: _____

Name: _____

Position: _____

Enterprise name: _____

Failure to complete, sign and date this form shall result in the tender being considered non-responsive in terms of subclause F.3.8 of the Conditions of Tender and such a tender shall be rejected.

FORM C: PART 2: DECLARATION OF INTEREST

MBD 4

Every question must be answered individually on this form and the required information must be provided, whether a relationship is present or not.
Failure to do so will invalidate your tender.

1. Any legal person, including persons employed by the State¹, or persons having a kinship with persons employed by the State, including a blood relationship, may make an offer or offers in terms of this invitation to tender. In view of possible allegations of favouritism, should the resulting tender, or part thereof, be awarded to persons employed by the State, or to persons connected with or related to them, it is required that the Tenderer or his/her authorized representative declare whether:
 - the Tenderer is employed by the State; and/or
 - the legal person (Service Providing entity) on whose behalf the tender document is signed, has a relationship with persons/a person who are/is involved in the evaluation and/or adjudication of the tender(s), or where it is known that such a relationship exists between the person or persons for or on whose behalf the declarant acts and persons who are involved with the evaluation and or adjudication of the tender.
2. **In order to give effect to the above, the following questions must be answered, and the required information provided and submitted with the tender.**
- 2.1. The names of all directors/ shareholders²/members/partners/individual owners/trustees and their individual identity numbers and tax reference numbers are to be inserted in the table below. If applicable, State Employee / PERSAL numbers must be indicated in the last column.

Full Name	Position held (director, shareholder, member, partner, individual owner, trustee, etc.)	Identity Number (or Passport Number in the case of a foreign national)	Personal Income Tax Reference Number	State Employee Number / Persal Number if applicable

If the space provided above is insufficient, details as specified above can be attached on separate pages. However, if such separate pages are attached, this must be clearly indicated in the table above.

¹"State" means:

- (a) any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1999 (Act No. 1 of 1999) as amended;
- (b) any municipality or municipal entity;
- (c) any provincial legislature;
- (d) the National Assembly or the National Council of Provinces; or

(e) Parliament.

"shareholder" means a person who owns shares in the company and is actively involved in the management of the enterprise or business and exercises control over the enterprise.

2.2. Full names of tenderer and his or her representative:

Name of tenderer:

Name of tenderer's representative:

2.3. Identity Number:

Identity Number of tenderer's representative:

2.4. Position (e.g., director/shareholder/member/partner/individual owner/trustee) occupied in the company/close corporation/partnership/sole proprietorship/trust (referred to hereinafter as the "tendering entity"):

Position of tenderer's representative:

2.5. Registration number of tendering entity:

.....

2.6. Tax reference number of tendering entity:

.....

2.7. VAT registration number of tendering entity:

.....

If the space provided for any of paragraphs 2.8 to 2.14 below is insufficient, the required information can be attached on separate pages. However, if such separate pages are attached, this must be clearly indicated in the relevant paragraph below.

2.8. Are you or any person connected with the tenderer presently employed by the State?

Kindly mark the applicable answer with a tick ✓.

YES	
NO	

If yes, furnish the following particulars:

2.8.1. Name of director/shareholder/member/partner/individual owner/trustee/other connected person:

.....

2.8.2. Name of State institution which employs you or the person connected to the tenderer:

.....

2.8.3. Position occupied in the State institution:

.....

2.8.4. Any other particulars:

.....

- 2.9. If the State presently employs you or any person connected with the tenderer, was the appropriate authority to undertake remunerative work outside employment in the public sector obtained from the State?

YES	
NO	

Kindly mark the applicable answer with a tick ✓.

- 2.9.1. If yes, attach proof of such authority to the tender document.
(Note: Failure to submit proof of such authority, where applicable, may result in the disqualification of the tender).

YES	
NO	

Kindly mark the applicable block with a tick ✓ to indicate whether such proof has been attached to the tender document.

- 2.9.2. If no, furnish reasons for the non-submission of such proof:

.....

.....

.....

- 2.10. Did you or your spouse or any of the tendering entity's directors/shareholders/members/partners/individual owners/trustees or their spouses conduct business with the State in the previous twelve months? **Kindly mark the applicable answer with a tick ✓.**

YES	
NO	

- 2.10.1. If yes, furnish particulars:

.....

.....

.....

- 2.11. Do you or any person connected with the tenderer have any relationship (family, friend, other) with a person employed by the State and who may be involved with the evaluation or adjudication of the tender? **Kindly mark the applicable answer with a tick ✓.**

YES	
NO	

- 2.11.1. If yes, furnish particulars:

.....

- 2.12. Are you or any person connected with the Tender aware of any relationship (family, friend, other) between any other Tender and any person employed by the State who may be involved with the evaluation and/or adjudication of this tender?

YES	
NO	

Kindly mark the applicable answer with a tick ✓.

2.12.1. If yes, furnish particulars:

.....

.....

.....

- 2.13. Do you or any of the Tender entity's directors/shareholders/members/partners/individual owners/trustees have any interest in any other related companies that are or could be quoting for this contract? **Kindly mark the applicable answer with a tick ✓.**

YES	
NO	

2.13.1. If yes, furnish particulars:

.....

.....

.....

- 2.14. Have you or any of the Tender entity's directors/shareholders/members/partners/ individual owners /trustees or the Service Providing entity in general provided any gifts, rewards, awards, sponsorships, donations or hospitality to the Lesedi Local Municipality, or any of its employees or their families in the last 12 months? **Kindly mark the applicable answer with a tick ✓.**

YES	
NO	

2.14.1. If yes, furnish particulars, including the estimated value:

.....

.....

.....

3. DECLARATION

I, THE UNDERSIGNED (*full name of signatory*)

REPRESENTING (*name of Service Providing entity*)

.....

IN MY CAPACITY AS

CERTIFY THAT THE INFORMATION FURNISHED IN PARAGRAPH 2 ABOVE IS CORRECT (WHERE APPLICABLE, I HAVE TAKEN REASONABLE DILIGENT STEPS AS REQUIRED BY S76 OF THE COMPANIES ACT No. 71 of 2008, TO ENSURE THAT THE INFORMATION PROVIDED IS CORRECT).

I ACCEPT THAT THE STATE MAY REJECT THE TENDER OR ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.

SIGNATURE:

DATE:

MBD 5

DECLARATION FOR PROCUREMENT ABOVE R10 MILLION (ALL APPLICABLE TAXES INCLUDED)

For all procurement expected to exceed R10 million (all applicable taxes included), bidders must complete the following questionnaire:

1. Are you by law required to prepare annual financial statements for auditing?
 - 1.1 If yes, submit audited annual financial statements for the past three years or since the date of establishment if established during the past three years. ***YES/NO**
.....
.....
2. Do you have any outstanding undisputed commitments for municipal services towards any municipality for more than three months or any other service provider in respect of which payment is overdue for more than 30 days?
 - 2.1 If no, this serves to certify that the bidder has no undisputed commitments for municipal services towards any municipality for more than three months or other service provider in respect of which payment is overdue for more than 30 days.
 - 2.2 If yes, provide particulars.
.....
.....
.....

* Delete if not applicable
3. Has any contract been awarded to you by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract? ***YES/NO**
 - 3.1 If yes, furnish particulars
.....
.....
4. Will any portion of goods or services be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality / municipal entity is expected to be transferred out of the Republic? ***YES / NO**
 - 4.1 If yes, furnish particulars
.....
.....

CERTIFICATION

I, THE UNDERSIGNED (NAME)

CERTIFY THAT THE INFORMATION FURNISHED ON THIS DECLARATION FORM IS CORRECT.

**I ACCEPT THAT THE STATE MAY ACT AGAINST ME SHOULD THIS DECLARATION PROVE TO BE
FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

PREFERENCE POINTS CLAIM FORM IN TERMS OF THE PREFERENTIAL PROCUREMENT REGULATIONS 2022

This preference form must form part of all bids invited. It contains general information and serves as a claim form for Specific Goals

NB: BEFORE COMPLETING THIS FORM, BIDDERS MUST STUDY THE GENERAL CONDITIONS, DEFINITIONS AND DIRECTIVES APPLICABLE IN RESPECT OF B-BBEE, AS PRESCRIBED IN THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022.

1. GENERAL CONDITIONS

- 1.1 The following preference point systems are applicable to invitations to tender:
- the 80/20 system for requirements with a Rand value of up to R50 000 000 (all applicable taxes included); and
 - the 90/10 system for requirements with a Rand value above R50 000 000 (all applicable taxes included).

1.2 **To be completed by the organ of state**

a) The applicable preference point system for this tender is the 80/20 preference point system.

- 1.3 Points for this tender (even in the case of a tender for income-generating contracts) shall be awarded for:
- (a) Price; and
 - (b) Specific Goals.

1.4 **To be completed by the organ of state:**

The maximum points for this tender are allocated as follows:

	POINTS
PRICE	80
SPECIFIC GOALS	20
Total points for Price and SPECIFIC GOALS	100

- 1.5 Failure on the part of a tenderer to submit proof or documentation required in terms of this tender to claim points for specific goals with the tender, will be interpreted to mean that preference points for specific goals are not claimed.
- 1.6 The organ of state reserves the right to require of a tenderer, either before a tender is adjudicated or at any time subsequently, to substantiate any claim in regard to preferences, in any manner required by the organ of state.

2. DEFINITIONS

- (a) **“tender”** means a written offer in the form determined by an organ of state in response to an invitation to provide goods or services through price quotations, competitive tendering process or any other method envisaged in legislation;
- (b) **“price”** means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;
- (c) **“rand value”** means the total estimated value of a contract in Rand, calculated at the time of bid invitation, and includes all applicable taxes;
- (d) **“tender for income-generating contracts”** means a written offer in the form determined by an organ of state in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the organ of state and a third party that produces revenue for the organ of state, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through

- public auctions; and
(e) **“the Act”** means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. FORMULAE FOR PROCUREMENT OF GOODS AND SERVICES

3.1. POINTS AWARDED FOR PRICE

3.1.1 THE 80/20 OR 90/10 PREFERENCE POINT SYSTEMS

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps = 80 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 - \frac{Pt - P_{min}}{P_{min}} \right)} \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

3.2. FORMULAE FOR DISPOSAL OR LEASING OF STATE ASSETS AND INCOME GENERATING PROCUREMENT

3.2.1. POINTS AWARDED FOR PRICE

A maximum of 80 or 90 points is allocated for price on the following basis:

$$\begin{array}{ccc} \mathbf{80/20} & \mathbf{or} & \mathbf{90/10} \\ \mathbf{Ps = 80 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} & \mathbf{or} & \mathbf{Ps = 90 \left(1 + \frac{Pt - P_{max}}{P_{max}} \right)} \end{array}$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmax = Price of highest acceptable tender

4. POINTS AWARDED FOR SPECIFIC GOALS

- 4.1. In terms of Regulation 4(2); 5(2); 6(2) and 7(2) of the Preferential Procurement Regulations, preference points must be awarded for specific goals stated in the tender. For the purposes of this tender the tenderer will be allocated points based on the goals stated in table 1 below as may be supported by proof/ documentation stated in the conditions of this tender:
- 4.2. In cases where organs of state intend to use Regulation 3(2) of the Regulations, which states that, if it is unclear whether the 80/20 or 90/10 preference point system applies, an organ of state must, in the tender documents, stipulate in the case of—
- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or

(b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system,
then the organ of state must indicate the points allocated for specific goals for both the 90/10 and 80/20 preference point system.

Table 1: Specific goals for the tender and points claimed are indicated per the table below.

(Note to organs of state: Where either the 90/10 or 80/20 preference point system is applicable, corresponding points must also be indicated as such.

Note to tenderers: The tenderer must indicate how they claim points for each preference point system.)

The specific goals allocated points in terms of this tender	Number of points allocated (90/10 system) (To be completed by the organ of state)	Number of points allocated (80/20 system) (To be completed by the organ of state)	Number of points claimed (90/10 system) (To be completed by the tenderer)	Number of points claimed (80/20 system) (To be completed by the tenderer)
Youth		3		
Woman		5		
Disabled		2		
Black		5		
Sedibeng (District)		3		
Gauteng (Province)		2		
		20		

DECLARATION WITH REGARD TO COMPANY/FIRM

4.3. Name of company/firm.....

4.4. Company registration number:

4.5. TYPE OF COMPANY/ FIRM

- ☐ Partnership/Joint Venture / Consortium
- ☐ One-person business/sole propriety
- ☐ Close corporation
- ☐ Public Company
- ☐ Personal Liability Company
- ☐ (Pty) Limited
- ☐ Non-Profit Company
- ☐ State Owned Company

[TICK APPLICABLE BOX]

4.6. I, the undersigned, who is duly authorised to do so on behalf of the company/firm, certify that the points claimed, based on the specific goals as advised in the tender, qualifies the company/ firm for the preference(s) shown and I acknowledge that:

- i) The information furnished is true and correct;
- ii) The preference points claimed are in accordance with the General Conditions as indicated in paragraph 1 of this form;
- iii) In the event of a contract being awarded as a result of points claimed as shown in paragraphs 1.4 and 4.2, the contractor may be required to furnish documentary proof to the satisfaction of the organ of state that the claims are correct;
- iv) If the specific goals have been claimed or obtained on a fraudulent basis or any of the conditions of contract have not been fulfilled, the organ of state may, in addition to any other remedy it may have –
 - (a) disqualify the person from the tendering process;
 - (b) recover costs, losses or damages it has incurred or suffered as a result of that person's conduct;
 - (c) cancel the contract and claim any damages which it has suffered as a result of having to make less favourable arrangements due to such cancellation;
 - (d) recommend that the tenderer or contractor, its shareholders and directors, or only the shareholders and directors who acted on a fraudulent basis, be restricted from obtaining business from any organ of state for a period not exceeding 10 years, after the *audi alteram partem* (hear the other side) rule has been applied; and
 - (e) forward the matter for criminal prosecution, if deemed necessary.

..... SIGNATURE(S) OF TENDERER(S)	
SURNAME AND NAME:	
DATE:	
ADDRESS:	
	
	
	

DECLARATION OF BIDDER'S PAST SUPPLY CHAIN MANAGEMENT PRACTICES

- 1 This Standard Bidding Document must form part of all bids invited.
- 2 It serves as a declaration to be used by institutions in ensuring that when goods and services are being procured, all reasonable steps are taken to combat the abuse of the supply chain management system.
- 3 The bid of any bidder may be disregarded if that bidder, or any of its directors have abused the institution's supply chain management system; committed fraud or any other improper conduct in relation to such system; or failed to perform on any previous contract.
- 4 In order to give effect to the above, the following questionnaire must be completed and submitted with the bid.

CERTIFICATION

Item	Question	Yes	No
4.1	Is the bidder or any of its directors listed on the National Treasury's Database of Restricted Suppliers as companies or persons prohibited from doing business with the public sector? (Companies or persons who are listed on this Database were informed in writing of this restriction by the Accounting Officer/Authority of the institution that imposed the restriction after the <i>audi alteram partem</i> rule was applied). The Database of Restricted Suppliers now resides on the National Treasury's website (www.treasury.gov.za) and can be accessed by clicking on its link at the bottom of the home pg	Yes ☐	No ☐
4.1.1	If so, furnish particulars:..... 		
4.2	Is the bidder or any of its directors listed on the Register for Tender Defaulters in terms of section 29 of the Prevention and Combating of Corrupt Activities Act (No 12 of 2004)? The Register for Tender Defaulters can be accessed on the National Treasury's website (www.treasury.gov.za) by clicking on its link at the bottom of the home page.	Yes ☐	No ☐
4.2.1	If so, furnish particulars:..... 		
4.3	Was the bidder or any of its directors convicted by a court of law (including a court outside of the Republic of South Africa) for fraud or corruption during the past five years?	Yes ☐	No ☐
4.3.1	If so, furnish particulars:..... 		
4.4	Was any contract between the bidder and any organ of state terminated during the past five years on account of failure to perform on or comply with the contract?	Yes ☐	No ☐
4.4.1	If so, furnish particulars:..... 		

I, THE UNDERSIGNED

**(FULL NAME)CERTIFY THAT THE
INFORMATION FURNISHED ON THIS DECLARATION FORM IS TRUE AND CORRECT.**

**I ACCEPT THAT, IN ADDITION TO CANCELLATION OF A CONTRACT, ACTION MAY BE TAKEN
AGAINST ME SHOULD THIS DECLARATION PROVE TO BE FALSE.**

.....
Signature

.....
Date

.....
Position

.....
Name of Bidder

FORM C: PART 3: CERTIFICATE OF INDEPENDENT BID DETERMINATION

- 1 This Municipal Bidding Document (MBD) must form part of all bids¹ invited.
- 2 Section 4 (1) (b) (iii) of the Competition Act No. 89 of 1998, as amended, prohibits an agreement between, or concerted practice by, firms, or a decision by an association of firms, if it is between parties in a horizontal relationship and if it involves collusive bidding (or bid rigging).² Collusive bidding is a *pe se* prohibition meaning that it cannot be justified under any grounds.
- 3 Treasury Regulation 16A9 prescribes that accounting officers and accounting authorities must take all reasonable steps to prevent abuse of the supply chain management system and authorizes accounting officers and accounting authorities to:
 - a. disregard the bid of any bidder if that bidder, or any of its directors have abused the institution's supply chain management system and or committed fraud or any other improper conduct in relation to such system.
 - b. cancel a contract awarded to a supplier of goods and services if the supplier committed any corrupt or fraudulent act during the bidding process or the execution of that contract.
- 4 This MBD serves as a certificate of declaration that would be used by institutions to ensure that, when bids are considered, reasonable steps are taken to prevent any form of bid-rigging.
- 5 In order to give effect to the above, the attached Certificate of Bid Determination (MBD 9) must be completed and submitted with the bid:

¹ Includes price quotations, advertised competitive bids, limited bids and proposals.

² Bid rigging (or collusive bidding) occurs when businesses, that would otherwise be expected to compete, secretly conspire to raise prices or lower the quality of goods and / or services for purchasers who wish to acquire goods and / or services through a bidding process. Bid rigging is, therefore, an agreement between competitors not to compete.

CERTIFICATE OF INDEPENDENT BID DETERMINATION

I, the undersigned, in submitting the accompanying bid:

TENDER No. 24/2023 – CONSTRUCTION OF ROADS AND STORMWATER IN HEIDELBERG AND SURROUNDING AREAS FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF APPOINTMENT

in response to the invitation for the bid made by: Lesedi Local Municipality, do hereby make the following statements that I certify to be true and complete in every respect:

I certify, on behalf of: that:
(Name of Bidder)

I have read and I understand the contents of this Certificate;
I understand that the accompanying bid will be disqualified if this Certificate is found not to be true and complete in every respect;
I am authorized by the bidder to sign this Certificate, and to submit the accompanying bid, on behalf of the bidder;
Each person whose signature appears on the accompanying bid has been authorized by the bidder to determine the terms of and to sign the bid, on behalf of the bidder.
For the purposes of this Certificate and the accompanying bid, I understand that the word “competitor” shall include any individual or organization, other than the bidder, whether or not affiliated with the bidder, who:
(a) has been requested to submit a quotation in response to this bid invitation;
(b) could potentially submit a bid in response to this bid invitation, based on their qualifications, abilities or experience; and
(c) provides the same goods and services as the bidder and/or is in the same line of business as the bidder.
The bidder has arrived at the accompanying bid independently from, and without consultation, communication, agreement or arrangement with any competitor. However, communication between partners in a joint venture or consortium will not be construed as collusive quoting.
In particular, without limiting the generality of the preceding paragraphs above, there has been no consultation, communication, agreement or arrangement with any competitor regarding:
(a) prices;
(b) geographical area where the products or services will be rendered (market allocation);
(c) methods, factors or formulas used to calculate prices;
(d) the intention or decision to submit or not submit a bid;
(e) the submission of a bid which does not meet the specifications and conditions of the bid; or
(f) bidding with the intention not to win the bid.
In addition, there have been no consultations, communications, agreements or arrangements with any competitor regarding the quality, quantity, specifications and conditions or delivery particulars of the products or services to which this bid invitation relates.
The terms of the accompanying bid have not been, and will not be, disclosed by the bidder, directly or indirectly, to any competitor, prior to the date and time of the official bid opening and of the awarding of the contract.
I am aware that, in addition and without prejudice to any other remedy provided to combat any restrictive practices related to bids and contracts, bids that are suspicious will be reported to the Competition Commission for investigation and possible imposition of administrative penalties in terms of section 59 of the Competition Act No 89 of 1998 as amended and/or may be reported to the National Prosecuting Authority (NPA) for criminal investigation and/or such bidders may be restricted from conducting business with the public sector for a period not exceeding ten (10) years in terms of the Prevention and Combating of Corrupt Activities Act No 12 of 2004 or any other applicable legislation.

.....
Signature

.....
Date

.....
Full name of signatory

.....
Capacity of signatory

Failure to complete, sign and date this form shall result in the bid being considered non-responsive in terms of subclause E.3.8 of the Conditions and such a bid shall be rejected.

D. CERTIFICATE OF AUTHORITY

The Tenderer must indicate the enterprise status by ticking the appropriate box hereunder.

(I) SOLE PROPRIETOR	(II) CLOSE CORPORATION	(III) PARTNERSHIP	(IV) COMPANY	(V) JOINT VENTURE / CONSORTIUM

The Tenderer must complete the relevant certificate(s) set out hereafter or must provide a certificate in the form of a resolution of the partners or directors authorising the signatory on behalf of the enterprise(s) **and such resolution shall include a specimen signature of the signatory.**

Failure to complete, sign and date the relevant certificate(s) set out hereafter or failure to provide the certificate(s) in the form of a resolution as described above shall result in the tender being considered non-responsive in terms of subclause F.3.8 of the Conditions of Tender and such a tender shall be rejected.

(I) CERTIFICATE FOR SOLE PROPRIETOR

I....., hereby confirm that I am the sole owner of the
business trading as:.....

Specimen Signature of Sole Owner:

Date:

(II) CERTIFICATE FOR CLOSE CORPORATION

I / We, the undersigned, being the key members in the business trading as.....
..... hereby authorise Mr/Ms,
acting in the capacity of, to sign all documents in
connection with the tender for Tender No. and any contract resulting
from it on our behalf.

Signatures of Members:

NAME	ADDRESS	SIGNATURE	DATE

Note: *This certificate is to be completed and signed by all of the key members upon whom rests the direction of the affairs of the Close Corporation as a whole.*

Specimen Signature of Signatory:

Date:

(III) CERTIFICATE FOR PARTNERSHIP

We, the undersigned, being the key partners in the business trading as

.....

hereby authorise Mr/Ms

acting in the capacity of, to sign all documents in connection with the

tender for Tender No. and any contract resulting from it on

our behalf.

NAME	ADDRESS	SIGNATURE	DATE

Note: *This certificate is to be completed and signed by all of the key partners upon whom rests the direction of the affairs of the Partnership as a whole.*

Specimen Signature of Signatory:

Date:

(IV) CERTIFICATE FOR COMPANY

I, chairperson of the Board of Directors
of, hereby confirm that by resolution of the Board
(copy attached) taken on 20.....,
Mr/Ms, acting in the capacity of
....., was authorised to sign all documents
in connection with this tender and any contract resulting from it on behalf of the company.

Signature of Chairman:

Specimen Signature of Signatory:

Date:

(V) CERTIFICATE FOR JOINT VENTURE / CONSORTIUM

[This Returnable Schedule is to be completed by a Joint Venture / Consortium]

We, the undersigned, are submitting this tender offer in Joint Venture / Consortium and hereby authorise Mr/Ms....., authorised signatory of the company, acting in the capacity of Lead Partner, to sign all documents in connection with the tender offer and any contract resulting therefrom on our behalf.

NAME OF COMPANY	ADDRESS	DULY AUTHORISED SIGNATORY
Lead Partner		Signature..... Name..... Designation..... Date.....
		Signature..... Name..... Designation..... Date.....
		Signature..... Name..... Designation..... Date.....
		Signature..... Name..... Designation..... Date.....

In addition to this Certificate of Authority on behalf of the JV or Consortium, separate Certificates of Authority are also required from each parent company to the Joint Venture or Consortium. These must be in the form of a resolution of the partners or directors authorising the signatory on behalf of the enterprise to sign the JV or Consortium Certificate of Authority.

For example, if a joint venture partner is a limited liability company, then a resolution of the board of directors for that company is required to demonstrate that the person signing on behalf of the JV has the authority to do so from the parent company. The tenderer must do this either by using the relevant pro forma certificate (I), (II), (III) or (IV), as provided in this section D of the Returnable Documents, for that particular type of parent organisation, or by providing a certificate in the form of a resolution of the partners or directors authorising the signatory on behalf of the enterprise **and such resolution shall include a specimen signature of the signatory.**

E. PLANT AND EQUIPMENT

The following are lists of major and minor items of relevant equipment that I / we presently own or lease and will have available for this contract if my / our tender is accepted.

(a) Details of major and minor plant and equipment owned by me / us and immediately available for this contract:

DESCRIPTION (type, size, capacity, etc.)	QUANTITY	YEAR OF MANUFACTURE

Attach additional pages if more space is required

(b) Details of major and minor plant and equipment that will be hired or acquired for this contract if my / our tender is accepted:

DESCRIPTION (type, size, capacity, etc.)	QUANTITY	HOW ACQUIRED	
		HIRE/ BUY	SOURCE

Attach additional pages if more space is required

The Tenderer undertakes to bring onto site without additional cost to the Employer any additional plant not listed but which may be necessary to complete the contract within the specified contract period.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)

H. KEY PERSONNEL

H1. KEY PERSONNEL - MANAGEMENT

The Tenderer must insert in the spaces provided below a list of the key personnel to be employed in the management of the construction of the Works, together with a resume of their experience with particular reference to the construction of similar Works.

The Tenderer shall attach the curriculum vitae of the listed key management personnel to the page included below for this purpose.

DESIGNATION	NAME	PROJECT TYPE	VALUE OF WORK	YEAR COMPLETED
CONTRACTS MANAGER BSc/BTech in Civil Engineering				
CONSTRUCTION MANAGER / SITE AGENT NDip in Civil Engineering				
FOREMAN Relevant experience as a Foreman				
SAFETY OFFICER (National Diploma in Safety Management or Environmental Health)				

Attach additional pages if more space is required

H2. KEY PERSONNEL – LABOUR INTENSIVE ACTIVITIES

Contractors shall employ in labour-intensive works only those supervisory and management staff that have completed the required Skills Programme in terms of Appendix C of the “Guidelines for the implementation of labour-intensive infrastructure projects under the Expanded Public Works Programme (EPWP) Third Edition 2015”:

- One Key Personal (Contract Manager or Construction Manager/Site Agent or Foreman) must have an NQF level 5 "Manage Labour-Intensive Construction Processes" qualifications at NQF level 5 or 7.

Tenderers' attention is drawn to the required minimum supervisor to worker ratio for this project stated in clause F1.3 of Part F of the Particular Specifications.

The Tenderer must insert in the spaces provided below the relevant details of the personnel to be employed in the construction of the Works possessing the required qualifications in the supervision or management of LIC projects. A copy of the relevant qualification certificate for each such person shall be attached to the next page below.

DESIGNATION	NAME	NAME OF TRAINING INSTITUTION	QUALIFICATION OBTAINED IN THE SUPERVISION OR MANAGEMENT OF LIC PROJECTS	YEAR QUALIFICATION OBTAINED

Attach additional pages if more space is required

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)

CURRICULUM VITAE OF KEY PERSONNEL - MANAGEMENT

Refer to H1.

Curriculum Vitae of key management personnel to be attached to this page.

and

QUALIFICATIONS OF KEY PERSONNEL – LABOUR INTENSIVE ACTIVITIES

Refer to H2.

Relevant qualification certificates to be attached to this page for each person possessing the required qualifications in the supervision or management of LIC projects.

I. DEVIATIONS AND QUALIFICATIONS

Should the Tenderer wish to make any deviation from or any qualification to the Special Conditions of Contract, Specifications, Schedule of Quantities, or Drawings, or should he wish to qualify the tender in any way, he shall indicate the proposals clearly hereunder or alternatively on photocopies of the original tender documentation which shall be attached to this page.

Please note: The extent of deviations from the tender documents issued by the Employer prior to the tender closing date is limited to those permissible in terms of the Conditions of Tender. Please also refer to Returnable Schedule M.

SECTION	PAGE	DEVIATION OR QUALIFICATION, INCLUDING REFERENCE CLAUSE OR ITEM NUMBER

Attach additional pages if more space is required

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)

J. CONTRACTOR'S HEALTH AND SAFETY DECLARATION

In terms of Clause 5(1)(h) of the OHSA 1993 Construction Regulations 2014 (referred to as "the Regulations" hereafter), a Contractor may only be appointed to perform construction work if the Employer is satisfied that the Contractor has the necessary competencies and resources to carry out the work safely in accordance with the Occupational Health and Safety Act No 85 of 1993, as amended and the OHSA 1993 Construction Regulations 2014.

To that effect a person duly authorised by the Tenderer must complete and sign the declaration hereafter in detail.

Declaration by Tenderer

1. I the undersigned hereby declare and confirm that I am fully conversant with the Occupational Health and Safety Act No 85 of 1993 (as amended by the Occupational Health and Safety Amendment Act No 181 of 1993), and the OHSA 1993 Construction Regulations 2014.
2. I hereby declare that my company has the competence and the necessary resources to safely carry out the construction work under this contract in compliance with the Construction Regulations and the Employer's Health and Safety Specifications.
3. I propose to achieve compliance with the Regulations by one of the following:
 - (a) From my own competent resources as detailed in 4(a) hereafter: ***Yes / No**
 - (b) From my own resources still to be appointed or trained until competency is achieved, as detailed in 4(b) hereafter: ***Yes / No**
 - (c) From outside sources by appointment of competent specialist subcontractors as detailed in 4(c) hereafter: ***Yes / No**(* = delete whatever is not applicable)

4. Details of resources I propose:

Note: Competent resources shall include safety personnel such as the construction manager, construction health and safety officer and construction supervisor as defined in Regulation 8, and competent persons as defined in the OHSA 1993 Construction Regulations 2014, as applicable to this contract.

- (a) Details of the competent and qualified key persons from my company's own resources, who will form part of the contract team:

NAMES OF COMPETENT PERSONS	POSITIONS TO BE FILLED BY COMPETENT PERSONS

(b) Details of training of persons from my company's own resources (or to be hired) who still have to be trained to achieve the necessary competency:

(i) By whom will training be provided?

(ii) When will training be undertaken?

(iii) List the positions to be filled by persons to be trained or hired:

(c) Details of competent resources to be appointed as subcontractors if competent persons cannot be supplied from own company:

Name of proposed subcontractor:

Qualifications or details of competency of the subcontractor:

.....

.....

5. I hereby undertake, if my tender is accepted, to provide, before commencement of the works under the contract, a suitable, sufficiently documented and coherent site specific Health and Safety Plan in accordance with Regulation 7(1)(a) of the Construction Regulations, which plan shall be subject to approval by the Employer.
6. I confirm that copies of my company's approved Health and Safety Plan, the Employer's Health and Safety Specifications as well as the OHSA 1993 Construction Regulations 2014 will be provided on site and will at all times be available for inspection by the Contractor's personnel, the Employer's personnel, the Employer's Agent, visitors, and officials and inspectors of the Department of Labour.
7. I hereby confirm that adequate provision has been made in my tendered rates and prices in the schedule of quantities to cover the cost of all resources, actions, training and all health and safety measures envisaged in the OHSA 1993 Construction Regulations 2014, and that I will be liable for any penalties that may be applied in terms of the said Regulations (Regulation 33) as a result of contravening or failing to comply with the provisions of the Act and the Regulations.
8. I agree that my failure to complete and execute this declaration to the satisfaction of the Employer will mean that I am unable to comply with the requirements of the OHSA 1993 Construction Regulations 2014, and accept that my tender will be prejudiced and may be rejected at the discretion of the Employer.

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)

K. TAX COMPLIANCE STATUS

Note: This has been requested on the Invitation to Tender on Page 4.

L. SCHEDULE OF ALTERNATIVE TENDERS

The attention of tenderers is specifically drawn to clause F.2.12 Alternative tender offers of Annex F Standard Conditions of Tender and to clause F.2.12 of section T1.2 TENDER DATA in this project document.

An alternative tender offer or design shall be considered only if the main tender offer has also been submitted in accordance with the requirements of subclauses F.2.12.1 and F.2.12.2 of Annex F and such main tender offer is the winning tender as stated in subclause F.2.12.3 of Annex F.

The requirements for alternative offers are as described in **clause 1212 'ALTERNATIVE DESIGNS AND OFFERS'** of the 'COLTO Standard Specification for Road and Bridge Works for State Road Authorities 1998 edition'.

Such alternative offers shall be described, measured and priced in sufficient detail to enable the Employer to evaluate the alternative. The Tenderer shall set out the proposal clearly hereunder or alternatively on photocopies of the original tender documentation which shall be attached to this page.

SECTION	PAGE	ALTERNATIVE OFFER, INCLUDING REFERENCE CLAUSE OR ITEM NUMBER

SIGNATURE:

DATE:

(of person authorised to sign on behalf of the Tenderer)

M TENDERER'S PARTICIPATION IN JOB CREATION USING LOCAL LABOUR

The Contractor shall be required to participate in job creation (employment of local labour) by executing various portions of the Works using local labour (unskilled or semi-skilled), recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project). Proof of citizenship or work visa may be audited during the contract period.

The creation of one job shall mean the employment, for any period of time, of one such unskilled or semi-skilled labourer from the local community.

The Tenderer shall note the requirements for Job Creation Reporting for EPWP as set out in Part F: Requirements of the Expanded Public Works Programme (EPWP) of the project specifications.

The number of jobs to be created using such local labour is inclusive of the local labour employed to execute various portions of the Works by both the main Contractor and any subcontractors.

The number of jobs to be created using such local labour shall include for a minimum percentage allocation to the following individual targeted groups:

- 60% Women;
- 55% Youth; and
- 2% Physically impaired.

The minimum required content of such local labour for this project shall be calculated as follows:

$$\begin{aligned} &\text{Minimum required content of such local labour (\%)} \\ = &\frac{(100 \times \text{amount spent on wages for such local labour (excluding VAT)})}{(\text{Subtotal 1 (Excl. VAT, CPA \& Contingencies)})} \end{aligned}$$

The minimum required content of such local labour for this project shall be 70 %.

For purposes of completing the table on the next page containing the Tenderer's declaration with respect to participation in job creation using local labour, the total value of the project shall be the amount of the Tender Offer.

Note: Labour rate to comply with the minimum wage at the time of closing in accordance with Government Gazette.

TENDERER'S DECLARATION WITH RESPECT TO PARTICIPATION IN JOB CREATION USING LOCAL LABOUR:

The tenderer shall complete the table below reflecting the anticipated local labour force to be employed on this contract, including such local labour employed by subcontractors.

I/We hereby tender to participate in job creation through the employment of local labour by creating the following number of jobs using unskilled or semi-skilled labourers, recruited from the local community, who are South African Citizens or foreigners in possession of a work visa issued by the Department of Home Affairs (only one such foreigner may be employed on any project), including for a minimum allocation of 60% Women, 55% Youth and 2% Physically impaired:

Local labour comprising unskilled or semi-skilled labourers recruited from the local community	Anticipated number of jobs to be created	Total number of person-days anticipated	Wage rate per person-day (excluding VAT) (Rand)	Total wage cost (excluding VAT) (Rand)
Contractor's local labour content				
Subcontractors' local labour content				
Total anticipated wage cost of local labour content (excluding VAT)				R
Note: Labour rate to comply with the minimum wage of R12.75per hour or per task as per Basic conditions of employment act, 1997, Ministerial Determination 4: Expanded Public Works Programmes. All amendments to this rate shall apply to this contract at construction phase.				
Tender Offer (excluding VAT)				R
Hence anticipated local labour content expressed as a percentage of the Tender Offer (excluding VAT)				%
Note: Should this percentage not equal or exceed the specified minimum percentage, the tender will be considered non-responsive in terms of subclause F.3.8 of the Conditions of Tender and such a tender shall be rejected.				
Specified minimum local labour content				70 %
Planned minimum Employment Target (No. of work opportunities)				

A penalty shall be applied to any shortfall in the local labour content achieved, as set out in Part F: Requirements of the Expanded Public Works Programme (EPWP) of the project specifications. The penalty shall not apply to shortfalls in the allocations to the individual target groups (i.e., Women/Youth/Physically impaired), only to shortfalls in the total local labour content achieved.

The Contractor shall submit evidence that the local labour has been paid, and that the Targeted Enterprise subcontractors have received all amounts due in terms of their respective subcontract agreements.

The undersigned, who warrants that he/she is duly authorized to do so on behalf of the Tenderer, confirms that he/she understands the conditions for such participation and confirms that the tender satisfies the conditions for participation in job creation through the employment of local labour.

Name:

Duly authorized to sign on behalf of:

SIGNATURE:

DATE:

(Of person authorised to sign on behalf of the Tenderer)

Failure to complete, sign and date this form shall result in the tender being considered non-responsive in terms of subclause F.3.8 of the Conditions of Tender and such a tender shall be rejected.